



alaska judicial council

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State of Alaska Alaska Judicial Council

Solicitation of Proposals

Surveys for Judicial Selection and Judicial Evaluation

Date of Solicitation: March 1, 2023

Response Due Date: 3:00 p.m. on April 28, 2023

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I. SUMMARY OF SERVICES REQUIRED

The Alaska Judicial Council solicits proposals from qualified contractors to assist in conducting judicial selection, pro tem, and interim retention surveys from July 1, 2023, through June 30, 2026, and to assist in conducting judicial evaluation surveys for judges eligible to stand for retention in 2024 and 2026. The work is to be performed in Anchorage, Alaska.

Subcontractors will not be allowed. The contractor may not transfer or assign any portion of the contract without prior written approval from the Council.

This solicitation contains background information on the Judicial Council, a description of the scope of work and services to be performed, and other relevant information.

II. BACKGROUND INFORMATION

A. General Background Information

The Alaska Judicial Council was created by the state's constitution to nominate candidates for judicial vacancies to the governor, and to conduct studies to improve the administration of justice. By law, the Council also evaluates judges eligible to stand for retention. The Council consists of seven members: three attorney members, three non-attorney members, and the chief justice of the Alaska Supreme Court who, *ex officio*, serves as chair. The Council offices are located at 510 L Street, Suite 450, Anchorage, Alaska 99501.

Judicial and Public Defender Selection Activities. To evaluate applicants for judicial positions, the Council surveys members of the Alaska Bar Association (“selection surveys”). The Council normally sends out one survey per vacancy; however, at times more than one contemporaneous vacancy can be combined into a single survey.

The table below shows the number of judicial vacancies and the total number of applicants each year from 2012 through January of 2023. The average number of applicants for a single vacancy varies depending mainly on the location of the vacancy.

Frequency of Judicial Vacancies and Number of Applicants by Year												
Year	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023 (to date)
No. Vacancies	13	5	2	2	8	5	15	12	5	8	8	1
No. Applicants	122	45	11	25	74	47	112	84	39	52	44	11

The Council also is required by law to nominate individuals for appointment by the governor to the office of Public Defender. Public Defenders serve four-year terms and may be reappointed by the governor without involvement by the Council. However, when a governor declines to re-appoint the incumbent, or the incumbent declines to seek reappointment, the Council solicits and evaluates applicants for the position.

Judicial Evaluation Activities. After their initial term of office, State of Alaska judges appear on an election ballot. Alaskans have the opportunity to vote to retain or not retain these judges for another term. Elections occur in even-numbered years. In 2024, 21 judges are eligible to stand for retention. In 2026, 23 judges are expected to be eligible to stand for retention. The Judicial Council is required to evaluate the performance of judges eligible to stand for retention and provide that information to the public before the election. To assess the judges' performance in office, the Council surveys Alaskan attorneys, peace and probation officers, social services professionals (social workers, court appointed special advocate volunteers, guardians ad litem, Indian child welfare act workers), and court employees.

Formatting and Distribution of Survey Instruments. The Council uses both paper and electronic survey instruments to reach all potential respondents. Under the terms of this solicitation, the chosen contractor will manage an electronic survey, and will collect and analyze results from the electronic and paper surveys. The Council will manage distribution of the paper surveys.

The chosen contractor will distribute the electronic surveys using email addresses provided by the Council. The email invitation includes a link to the survey with a password embedded in the link. In the past, spam filters have created problems with survey distribution. The Council is interested in proposals that include strategies for avoiding spam filters.

Receipt and Analysis of Surveys. The contractor collects all survey responses. Paper survey responses are collected from a post office box in Anchorage.

Some respondents receive a paper survey and an electronic survey, so the contractor must take measures to ensure against multiple responses from a single respondent. Confidentiality of survey responses is essential. Electronic survey responses must be encrypted for transmission and securely stored at all times. The contractor must demonstrate the reliability of the survey in advance of its actual implementation.

B. Detailed Background Information about Judicial Selection & Public Defender Surveys

One survey instrument is required for each judicial vacancy; however, in the event of more than one contemporaneous judicial vacancy, a single survey instrument may be used to solicit ratings of all applicants for each vacancy. A separate analysis is required for each vacancy unless there is more than one identical position in the same location (e.g., two Anchorage Superior Court seats).

Examples:

- The Council recruits applications for a position on the Anchorage Superior Court and a position on the Fairbanks Superior Court. Some applicants apply for both positions. The contractor prepares and distributes one survey instrument for both positions. Applicants who have applied for both positions must be included in the list of applicants for each position for which they have applied. The contractor must prepare a separate report for each position (the Anchorage Superior Court and the Fairbanks Superior Court), and applicants who have applied for both positions are included in each report.
- The Council recruits applications for two positions on the Anchorage Superior Court. The contractor prepares one survey instrument for both positions, and one report for both positions.

Notification of Vacancy. When a vacancy occurs, the Council solicits applications for the position and notifies the contractor of the vacancy. The application deadline is about five weeks after the solicitation.

Creation of Surveys. Immediately after the application deadline, the Council notifies the contractor of the names of all the applicants and sends a PDF template of the survey instrument. The contractor sends the Council a draft of the electronic survey and of the e-mail invitation in advance of the distribution of the electronic survey. The Council may request edits to the survey or the invitation. Unless edits are required, the format for each judicial selection survey is the same except for the number of applicants to be evaluated and the name of the position being applied for. The public defender surveys are similar to the judicial selection surveys except some of the criteria are different. Copies of an e-mail invitation to participate in a selection survey, and a copy of a typical electronic selection survey format are attached as Appendices A and B.

Both paper and email judicial-selection surveys ask attorneys to rate each candidate on a five-point scale [1 (Poor) to 5 (Excellent)] on six criteria: professional competence, integrity, judicial temperament, fairness, suitability of experience, and overall professional qualifications. The Public Defender survey criteria are professional competence, integrity, administrative skills, advocacy skills, suitability of experience, and overall professional qualifications.

Survey respondents indicate whether they base their numerical ratings on direct professional experience, other personal contacts, or professional reputation, or whether they are declining to evaluate a particular candidate due to insufficient knowledge. Respondents with direct professional experience with an applicant are asked to specify whether that experience is substantial, moderate, or limited; and whether the experience was in the past five years.

Respondents are asked to provide demographic information including their length, location, and type of law practice, and their gender. Respondents must certify on the survey instrument that they have complied with their ethical obligation under the Alaska Bar Association's Professional Rule of Responsibility 8.2. The contractor identifies any surveys not

so certified, removes them from the analysis, and reports in the analysis how many were removed for failure to certify.

In addition to submitting numerical ratings, respondents are encouraged to write narrative comments about applicants. Respondents may provide their name with each comment. The contractor must ensure that if respondents provide their names, the Council will not be able to use the names to identify the respondents' numerical ratings.

The paper survey reminds attorneys not to respond to the electronic survey if they respond to the paper survey. Respondents are instructed to place the completed survey inside a plain envelope marked "confidential" and to place that envelope in a self-addressed, postage-paid envelope containing the respondent's name, and to sign the outside of that envelope where indicated. Sample pages of a paper judicial selection survey are appended (Appendix C).

Distribution of the Survey. The Council prints and mails the paper selection surveys no later than one week after the application deadline, but usually sooner. The contractor submits its draft survey and e-mail invitation no later than three days after it receives the applicants' names and the survey template.

The contractor sends an email invitation to eligible attorneys to participate in the survey. Distribution of the electronic survey is best done in a manner that minimizes diversion to spam or junk folders, and minimizes attempted responses before distribution is complete. Distribution of the electronic survey occurs at roughly the same time the paper survey is mailed, one week or less after the application deadline.

As of January 2023, there are approximately 3,734 attorneys on the Council's list of potential respondents to judicial selection surveys. Among these attorneys, everyone receives an electronic survey; only 13 of these members also receive a paper survey. The total number of attorneys on the Council's mailing list is expected to increase slightly each year; however, the percent of attorneys who rely exclusively on electronic surveys is expected to remain constant.

The contractor forwards to the Council a list of e-mail addresses for which the survey e-mail was undeliverable. The Council works with the contractor to determine why the emails bounced back, and the contractor then re-attempts delivery.

The contractor sends two electronic reminders to attorneys receiving electronic surveys who have not yet responded.

Survey Responses. The response deadline for the paper and electronic surveys is usually about a month after the surveys are distributed. Paper survey responses are returned to a post office box maintained by the Council. The contractor retrieves paper surveys from the post office box. Upon receipt, the contractor separates the outside envelope from the survey form and assigns a control number for identification. Thereafter, the contractor identifies the survey response by its control number. The contractor begins a transcription of survey comments and enters survey responses as the paper surveys are returned.

When electronic surveys are returned, the contractor strips the response of its e-mail address. Thereafter, the contractor identifies the survey response by its control number.

Selection Survey Response Rate. In the Council's experience, approximately 25% of attorneys who receive a judicial selection survey will respond. The response rate is affected by the number of vacancies addressed in the survey, the location and court level of the vacancy, and the number of applicants. Of those who respond, about 92% do so electronically. Typically, fewer than 20 paper survey responses are received.

Analysis and Reporting of Survey Results. The contractor must review the survey responses for duplicates, prepare a statistical analysis of all numerical responses, and transcribe and report out all narrative comments. Each of these tasks is described below.

After the survey response deadline, the contractor eliminates the possibility of duplicate responses by comparing the control numbers of paper and electronic survey responses. If the contractor identifies duplicate responses, the contractor discards the survey that is less complete. The contractor then assigns a new, randomly assigned control number to all survey responses.

The contractor prepares a statistical analysis of all survey responses, including average ratings for each quality for each candidate by range. Ratings based only on personal contacts or professional reputation are not included in most average ratings. The report provides detailed information about ratings by different demographic groups. The Council may use these data to identify patterns in survey results. The Council may ask the contractor to analyze the report for statistical or other anomalies in the data. The report includes a discussion of methodology and data management procedures. The Council publishes the report of numerical ratings on its website. An example of an evaluation report may be found on the Council's website (see "Bar Survey Report for *x* vacancy" at <http://www.ajc.state.ak.us/selection/vacancies.html>).

The contractor prepares a separate report that includes a transcription of all respondent survey comments. If a respondent signed a comment, the respondent's name is transcribed with the comment. If a respondent did not sign a comment, the comment is associated with the new control number assigned by the contractor. The assignment of a new control number precludes the Council from identifying the author of a bar survey comment where the survey respondent wants to remain anonymous.

In the report, comments are organized into sections. Comments based on direct professional experience are reported separately from comments with a different basis. Comments are further grouped according to whether they are signed or unsigned.

Timing of Reports. Narrative comments and quantitative data are reported separately. Within one or two weeks after the survey return deadline, the contractor sends the Council one electronic, confidential report containing the survey comments in MS Word format. In the same approximate timeframe, the contractor sends the Council a draft of its analysis of the numerical ratings ("the technical report").

The Council reviews the draft technical report and returns it with any necessary corrections no more than three days after receiving it from the contractor. The Council notifies the contractor of any applicants who withdraw their applications. The contractor prepares a final technical report with any edits from the Council and omitting the results from withdrawn applicants. About two weeks after the Council sends the corrected draft and the withdrawn names, the contractor sends the Council an electronic copy of the final technical report.

List of Tasks: Judicial Selection Surveys

1. Judicial Council Tasks

- a. Design surveys (the contractor is encouraged to recommend improvements).
- b. Print paper surveys and mailing envelopes.
- c. Prepare list of attorney email addresses and send to contractor.
- d. Mail all paper surveys.
- e. Investigate rejected e-mail addresses forwarded by contractor. Send a list of corrected e-mail addresses to contractor in advance of e-mail reminder date.
- f. Work with contractor to develop procedures to avoid duplicate responses from the same survey respondent.
- g. Suggest changes to final reports, and approve contractor-suggested changes.
- h. If ratings for any applicant suggest a need for further analyses, discuss needed work with contractor.

2. Contractor Tasks

- a. Advise the Council on recommended changes to the surveys and final reports.
- b. Provide the Council with a draft e-mail invitation and a draft electronic survey in advance of the survey distribution date. Edit survey as requested by Council.

- c. Distribute the electronic surveys in a manner that will minimize diversion to spam or junk, and minimize attempted responses before distribution is complete.
- d. Forward to the Council a list of addresses from e-mail invitations that are “undeliverable.”
- e. Pick up completed paper surveys from a designated post office box.
- f. Using the lists provided by the Council, check off names for the returned surveys.
- g. By specific dates established by the Council, send two e-mail reminders to non-respondents to the electronic survey.
- h. When handling the surveys, follow procedures that assure the anonymity and confidentiality of responses, and assure only one questionnaire is tallied for each respondent. If duplicate responses are identified, delete data from the response that is less complete. If data are similarly complete, use the most recent response.
- i. Enter all data and be able to verify a data-entry error rate of 1% or less.
- j. To insure the anonymity of responses, assign a new control number to each response.
- k. Analyze data. Deliver draft analysis of data to the Council by a specified date. Make any corrections identified by Council staff within one or two days of receiving them. Council staff may suggest additional tables, editing changes in the text, tables or graphics, or other changes.
- l. Provide Council with one electronic copy of the final technical report (data analysis) in PDF format.
- m. Transcribe, organize, and deliver to the Council written comments submitted by survey respondents. Identify each comment by applicant. Segregate comments into groups of comments submitted based on direct experience of applicant versus other bases for evaluation. Within these groups, identify comments signed by respondents with the respondent’s name and comments unsigned with the respondent’s control number. Submit a report containing the comments to the Council by a specified date. Submit an

electronic copy of the comments in MS Word format. Keep all comments confidential and identify by name only those comments signed by respondents. Keep all unsigned comments anonymous by using the new control number assigned by contractor.

- n. Provide additional analysis and information on selected applicants at the Council's direction. The Council expects to ask for minimal additional analysis.
- o. Provide secure storage for returned survey forms and comments until sixty days following the judicial appointment, and thereafter destroy all survey forms and comments within thirty days, following procedures appropriate for destroying "strictly confidential material," and return any other comments to the Council.
- p. Perform all tasks in a timely manner.
- q. Ensure that it has a staff member reasonably available to address survey functionality issues and inquiries from survey respondents within one business day, and to address problems within one or two business days.
- r. Monitor the online survey response rate while a survey is in progress to identify any apparent problems that might be indicated by atypical response rates, and alert the Council if any problem is detected.

C. Detailed Background on Judicial Retention Surveys

Commencing in early 2024, the Council will evaluate up to 21 judges eligible to stand for retention in the Alaska general election of November 2024. In early 2026, the Council will evaluate up to 23 judges eligible to stand for retention in the Alaska general election of November 2026. For these evaluations, the Council will survey (1) active and in-state inactive members of the Alaska Bar Association; (2) peace and probation officers; (3) court employees; and (4) social workers, guardians ad litem, Indian Child Welfare Act workers, and court appointed special advocates ("social services professionals"). The Council will use paper and electronic surveys to survey attorneys. It will survey peace and probation officers, court employees, and social services professionals using electronic surveys only.

Creation of Surveys. The Council formats and prints paper retention surveys for attorneys. Paper surveys will be mailed in January 2024 and 2026. Respondents are instructed to place the completed survey inside a plain envelope marked "confidential" and to place that envelope in a self-addressed, postage-paid envelope containing the respondent's name, and to sign the outside of that envelope where indicated.

The contractor formats electronic e-mail invitations and electronic surveys for attorneys, peace and probation officers, court employees, and social services professionals. The contractor provides the Council with draft templates for the electronic surveys and the email invitations in advance of the distribution of the electronic surveys. The Council may request edits to the surveys or the invitations.

Attorney Survey. The email invitations to participate in the electronic survey are distributed at the same time the paper surveys are mailed. The email invitation reminds respondents not to respond to a paper survey if the respondent uses the electronic survey. The electronic and paper surveys ask the same questions about judges' performance and respondent demographics.

Both paper and electronic surveys ask attorneys to rate each judge on a five-point scale [1 (Poor) to 5 (Excellent)] on six criteria: legal ability, impartiality/fairness, integrity, judicial temperament, diligence, and overall performance. Survey respondents indicate whether they base their numerical ratings on direct professional experience, other personal contacts, or professional reputation, or whether they are declining to evaluate a particular judge due to insufficient knowledge. Respondents are asked to provide demographic information including their length, location, and type of law practice, and their gender.

The Council asks respondents to submit comments about judges. Respondents are not required to provide their names with each comment but are encouraged to do so. Respondents are reminded of their ethical obligation to be truthful in all comments submitted. Respondents are assured their names, if provided, will not be given to judges and will not be used by the Council to identify the respondent's survey ratings. Sample pages of a paper attorney retention survey are attached (Appendix D).

Peace and Probation Officer Survey. The survey asks peace and probation officers to rate each judge on a five-point scale [1 (Poor) to 5 (Excellent)] on five criteria: impartiality/fairness, integrity, judicial temperament, diligence, and overall performance. The survey asks the same questions about judicial performance as the attorney retention survey except peace and probation officers are not asked to rate a judge's legal ability. Peace and probation officers do not evaluate appellate judges. Survey respondents indicate whether they base their numerical ratings on direct professional experience, other personal contacts, or professional reputation, or whether they are declining to evaluate a particular judge due to insufficient knowledge. Respondents are asked to provide demographic information including their length of experience, location, and type of work; their gender, and the size of the community they serve.

The Council asks respondents to submit comments about judges. Respondents are not required to provide their names with each comment but are encouraged to do so. Respondents are assured their names, if provided, will not be given to judges and will not be used by the Council to identify the respondent's survey ratings.

Social Services Professionals Survey. The survey asks the same questions about judicial performance as the peace and probation officer survey. Social services professionals do not evaluate appellate judges. As with the other surveys, respondents indicate whether they base their numerical ratings on direct professional experience, other personal contacts, or professional reputation, or whether they are declining to evaluate a particular judge due to insufficient knowledge. Respondents are invited to submit narrative comments. Respondents are asked demographic questions including type of work, length of experience, community population, location of work, and gender.

Court Employee Survey. The survey asks the same questions about judicial performance as the peace and probation officer and social services professionals surveys. Court employees do evaluate appellate judges. Respondents indicate whether they base their numerical ratings on direct professional experience, other personal contacts, or professional reputation, or whether they are declining to evaluate a particular judge due to insufficient knowledge. Respondents are invited to submit narrative comments. Respondents are not asked to provide demographic information.

Distribution of Surveys. Paper and electronic surveys are distributed in the same manner used in judicial selection surveys. The Council provides the contractor with copies of the mailing lists and e-mail addresses for each survey. Paper surveys and electronic surveys have the same deadline for a response. The survey deadline is approximately six weeks after surveys are distributed. The contractor sends two e-mail reminders to survey recipients who have not responded.

Attorney Survey. The Council surveys the attorneys using the same mailing list it uses for judicial selection surveys, except the Council does not survey retired attorneys (about 353 attorneys in 2022). About the same numbers of attorneys receive paper and electronic surveys in the retention survey as in judicial selection surveys.

Peace and Probation Officer Survey. The Council surveys peace and probation officers in Alaska (about 1,812 officers in 2022). The Council uses electronic surveys exclusively for this group of respondents.

Social Services Professionals Survey. The Council surveys social workers, guardians ad litem, court appointed special advocates, and Indian Child Welfare Act (about 443 social service professionals in 2022). The Council uses electronic surveys exclusively for this group of respondents.

Court Employees Survey. The Council surveys court employees (about 593 court employees in 2022). The Council uses electronic surveys exclusively to reach this group of respondents.

Receipt of Survey Responses. Surveys are received and data are entered in the same manner used for judicial selection surveys.

Retention Survey Response Rates. In 2022, about 28.3% of attorneys (1,013) responded to the Council's retention survey. Most of the responses (N=1,013) were provided electronically (three paper surveys were received). About 23.8% (N=434) of peace and probation officers responded to the Council's 2022 retention survey, as did about 28.7% (N=128) of social services professionals, and about 44.4% (N=263) of court employees.

Evaluation of Survey Results. The evaluation of survey results is essentially the same as for judicial selection surveys. Data must be screened for duplicate responses. The contractor will analyze all data, whether received in response to paper or electronic surveys. The contractor will deliver an electronic copy of the survey comments, and a draft analysis of the survey data to the Council three to four weeks after the survey response deadline. The Council will send any correction to the draft technical reports to the contractor within two weeks.

The contractor will prepare a final technical report for each of the four surveys no more than ten days after the Council returns the edits. Numerical ratings and comments are reported using the same format as for the judicial selection surveys. If judges decide not to stand for retention after the surveys have been sent out but before the final technical reports are completed, the contractor will remove their results from the technical reports. Examples of retention evaluation reports are available on the Council's website (see <http://www.alaska.ak.us/retention/rethist.html>).

List of Tasks: Judicial Retention Surveys

1. Judicial Council Tasks

- a. Design surveys.
- b. Print paper surveys and mailing envelopes.
- c. Prepare mailing lists for attorney survey, peace and probation officer survey, social services professional survey, and court employee survey. Send contractor the emails addresses of attorneys, peace and probation officers, social services professionals, and court employees who will be invited to participate in the surveys.
- d. Mail all paper surveys.
- e. Investigate rejected e-mail addresses forwarded by contractor. Send a list of corrected e-mail addresses to contractor in advance of e-mail reminder date.
- f. Work with contractor to develop procedures to avoid duplicate responses from the same survey respondent.

- g. Suggest changes to draft reports, and approve contractor-suggested changes.
- h. If ratings for any judge suggest a need for further analyses, discuss needed work with contractor.

2. Contractor Tasks

- a. Advise the Council on recommended changes to the surveys and final reports.
- b. Provide the Council with draft e-mail invitations and draft electronic surveys in advance of the survey distribution date. Make edits to the surveys as requested by Council.
- c. Distribute the electronic surveys in a manner that will minimize diversion to spam or junk, and minimize attempted responses before distribution is complete.
- d. Forward the “undeliverable” e-mail invitations to Council.
- e. Pick up surveys from a designated post office box.
- f. Using the lists provided by the Council, check off names for the returned surveys.
- g. By specific dates established by the Council, send two e-mail reminders to non-respondents to the electronic survey.
- h. When handling the surveys, follow procedures that assure the anonymity and/or confidentiality of responses, and assure only one questionnaire is tallied for each respondent. If duplicate responses are identified, delete data from the response that is less complete. If data are similarly complete, use the most recent response.
- i. Enter all data and be able to verify a data entry error rate of 1% or less.
- j. To insure the anonymity of responses, assign a new control number to each response.
- k. Analyze data. Deliver draft analysis of data to the Council by a specified date. After Council staff review the draft report for completeness and accuracy, make necessary corrections within one or two days. Be responsive to any additional tables, editing

changes in the text, tables or graphics, or other changes suggested by Council staff.

- l. Provide Council with one electronic copy of the final technical report (data analysis) in PDF format.
- m. Transcribe, organize, and deliver to the Council written comments submitted by survey respondents. Identify each comment by judge and type of respondent (i.e., attorney, peace officer, social services professional, and court employee). Segregate comments into groups based on whether the respondent indicated direct professional experience or some other basis. Within these groups, identify comments signed by respondents with the respondent's name, and comments unsigned with the respondent's control number. Submit a report containing the comments to the Council by a specified date. Submit an electronic copy of the comments in MS Word format. Keep all comments confidential and identify by name only those comments signed by respondents. Keep all unsigned comments anonymous by using new control number assigned by contractor.
- n. Provide additional analysis and information on selected judges at the Council's direction. The Council expects to ask for minimal additional analysis.
- o. Provide secure storage for returned survey forms and comments until ninety days following the election, and thereafter destroy all survey forms and comments within thirty days, following procedures appropriate for destroying "strictly confidential material," and return any other comments to the Council.
- p. Perform all tasks in a timely manner and be available to consult with the Council throughout the retention evaluation period and election.
- q. Ensure that it has a staff member reasonably available to address survey functionality issues and inquiries from survey respondents within one business day, and to address problems within one or two business days.
- r. Monitor the online survey response rate while a survey is in progress to identify any apparent problems that might be indicated by atypical response rates, and alert the Council if any problem is detected.

D. Project Schedule - Judicial Retention

The following is an approximate schedule for the 2024 retention evaluation. Dates are tentative, provided only for planning purposes, and the Council may change them. The schedule for the 2026 general election will be similar.

<u>Date</u>	<u>Event</u>
June 2023	Finalize survey contract.
December 2023	Contractor may suggest changes to surveys or methods. Contractor meets with Council to finalize questionnaire.
January 2024	Judicial Council mails paper surveys. Council provides contractor with mailing list. Contractor sends out e-mail invitations and electronic surveys.
January 2024	E-mail reminders sent.
February 2024	Survey response deadline.
February 2024	Contractor begins analysis.
March 2024	Contractor delivers survey comments and draft survey analysis to Council.
March 2024	Council returns draft survey analysis to Contractor.
April 2024	Contractor delivers final technical report to Council.
May/June 2024	Council meets to evaluate data and make recommendations: Contractor available to answer questions.
November 5, 2024	Election Day.
February 2025	Destruction of materials completed.

E. Other Surveys

In advance of the 2026 retention evaluation, the Council may also choose to survey members of the Alaska Bar Association about the performance of approximately eight newly appointed judges who have not previously stood for retention. If the Council decides to perform this interim evaluation for newer judges, the timing would be during January/February 2025. Additionally, the Council may distribute a survey to members of the Alaska Bar Association about the performance of retired judges who have pro tem appointments. Both of these surveys follow the same format as the retention evaluation surveys, and the Council would work out the timing with the contractor.

III. PROPOSAL FORMAT AND CONTENT

Proposals must include the complete name and address of the offeror's principal place of business, and if different, the place of performance of the proposed contract. The proposals must include the name, mailing address, email, and phone number of the person the Council should contact regarding the proposal.

The Council will not pay any cost associated with the preparation, submittal, presentation, or evaluation of any proposal.

Proposals must include the following information:

A. Understanding of Project

Offerors must provide comprehensive narrative statements illustrating their understanding of the project requirements and schedule. The narrative must include a description of services and reports to be provided and a statement of agreement to all terms of this proposal.

B. Methodology

Offerors must provide comprehensive narrative statements setting out the methodology they intend to use and illustrate how the methodology will accomplish the work and meet the project schedule.

C. Management Plan

Offerors must provide a comprehensive narrative setting out the management plan they intend to follow and illustrate how the plan will accomplish the work and meet the project schedule.

In addition to timely and complete performance of all tasks, the narrative must explain how the contractor will ensure the complete confidentiality and secure storage of all returned

questionnaires and comments, and how it will assure that duplicate responses from a single respondent are identified and eliminated from the analysis.

D. Experience and Qualifications

Offerors must clearly explain the personnel assigned to accomplish the work, including lines of authority and individual responsibilities. Offerors must provide a statement of organizational and/or demonstrated staff experience in conducting similar surveys and quantitative analyses, including educational backgrounds of all staff. This section must include evidence of existing capability to perform the tasks described, such as a listing of other contracts under which services similar in scope, size or discipline to the required services were performed or undertaken within a previous period of time.

E. Cost

For judicial selection surveys, Public Defender surveys, pro tem survey, and interim retention survey, please base the proposal on a fixed cost for a basic survey to evaluate three applicants, with an additional fixed cost for each applicant over three. Proposals may, but need not, include a limit on the cost of a single survey.

Please also include a fixed cost formula for situations in which the Council surveys applicants for more than one vacancy for the same type of position in the same location. For example, there may be two contemporaneous vacancies on the Anchorage Superior Court. In that situation, a higher number of applicants may apply, although the contractor prepares only a single report.

Please also include a fixed cost formula for situations in which the Council consolidates surveys about applicants for two contemporaneous but different positions. The fixed cost formula should reflect any cost savings presented by a consolidated survey that includes applicants for different positions. Cost savings might be realized in the preparation of an email invitation; validation of an email list; preparation and distribution of reminder emails; addressing respondent on-line survey issues; and collection and processing of paper surveys. The proposal must include the full amount to be charged for all services and reports for the selection surveys, pro tem surveys, and interim retention surveys.

(Refer to section IIB of this document for more information.)

For retention surveys, the total cost will be based on a fixed price. If fewer than the estimated number of judges stand for retention in 2024/2026, the Council and contractor will negotiate a proportionate reduction in cost.

(Refer to section IIC of this document for more information.)

The proposal must include the full amount to be charged for all services and reports for the retention surveys.

F. Conflict of Interest

Offerors must include a statement that no officer or director of the contractor is related to, or has any relationship of a personal or pecuniary nature to any candidate for retention that might create an actual or apparent conflict of interest, and contractor assurance that any employee or contractor who may have a conflict of interest with a judge standing for retention or an applicant for a judicial vacancy shall disclose the circumstances and shall not be assigned to participate in this work.

G. Other Requirements

Offerors must submit a copy of their current Alaska business license.

To qualify for a five percent Alaska bidder preference on the cost of the proposal (see below), submit a statement that the contractor has maintained a place of business within the state staffed by the contractor or an employee of the contractor for a period of six months immediately preceding the date of the bid. The statement also must establish the contractor is incorporated or qualified to do business under the laws of the state; or is a sole proprietorship and the proprietor is a resident of the state; or is a limited liability company organized and all members are residents of the state; or is a partnership and all partners are residents of the state.

A valid Vendor Tax ID & W9 must be submitted to the Council with the proposal or within five days of the Council's request.

Offerors must submit one sample report of recent, similar work.

Offerors must provide the names and contact information of at least three persons for whom the contractor has performed similar work.

Offerors may designate those portions of the proposals which contain trade secrets or other proprietary data which may remain confidential.

H. Place and Time of Submission

Submit a written proposal to: Alaska Judicial Council, 510 L Street, Suite 450, Anchorage, Alaska 99501 by 3:00 p.m. on April 28, 2023. Failure to submit a proposal before the deadline will cause the proposal to be disqualified. Late proposals or amendments will not be opened or accepted for evaluation.

IV. CONTRACTOR SELECTION CRITERIA

In selecting the successful contractor, the Council will emphasize:

1. The bidder's proposed methodology and management plan, including its analytical approach and work plan, a description of management controls, and

ability to be responsive to contract needs throughout the term (30%).

2. Cost of bidder's proposal (45%). A five percent Alaskan bidder's preference will be applied. When evaluating cost, the Council will add five percent to the cost of proposals submitted by bidders who do not qualify for the Alaska bidder's preference.
3. Demonstrated capacity of the organization to perform the tasks required in a professional, accurate, and timely manner, and to be available to Judicial Council staff throughout the term for consultation and advice as needed (25%).

If no bids are consistent with the Council's budget, the Council reserves the right to reject all bids. Although the Council strongly prefers to contract with a single provider for judicial selection and retention surveys, the Council may choose to accept proposals from different contractors for these two tasks.

For further information contact: Susanne DiPietro, Executive Director, Alaska Judicial Council, 510 L Street, Suite 450, Anchorage, Alaska 99501, 279-2526, ext. 575; sdipietro@ajc.state.ak.us.